

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2086/2022

Anurag Enterprises

----Appellant

Versus

Mohsin Ahmed S/o Shri Mobin Ahmed

-----Respondent

For Appellant(s) : Mr. R.K. Agarwal, Senior Advocate
with Mr. Suveer Gaur Advocate.

For Respondent(s) : Mr. Gaurav Sharma Advocate.

HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA

Order

04/02/2023

Heard.

This appeal is admitted on the following substantial question of law:-

"Whether The Rajasthan Real Estate Appellate Tribunal was justified in holding that the certificate dated 04.11.2020 issued by Rajasthan State Industrial Development and Investment Corporation did not constitute an occupancy certificate and for that reason, the buyers were entitled to refund as it not being the case of allotment of constructed houses?"

Mr. Gaurav Sharma Advocate enters appearance and accepts notice on behalf of the respondent.

On appellant furnishing bank guarantee in respect of the entire amount payable under the order of the Appellate Tribunal, no coercive steps shall be taken against the appellant for recovery of the amount in execution of the impugned order passed by The Rajasthan Real Estate Appellate Tribunal till the next date of hearing.

Matter be listed in the first week of March, 2023 along with S.B. Civil Miscellaneous Appeal No.2085/2022.

It is made clear that if the case is not heard finally on an early date, it would be open for the respondent to seek vacation/modification of the interim order.

(MANINDRA MOHAN SHRIVASTAVA),J